

**ASSEMBLY BILL**

**No. 5**

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**Introduced by Assembly Member Wolk**

December 4, 2006

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An act to add Chapter 4 (commencing with Section 8200) to Part 1 of, and to add Chapter 6 (commencing with Section 8470) to Part 2 of, Division 5 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 5, as introduced, Wolk. Flood Protection: local: central valley: plans.

Existing law prescribes various responsibilities of state agencies, counties, cities, districts, and landowners with respect to levees. Existing law regulates the inspection, improvement, and maintenance of project and nonproject delta levees, as those terms are defined. Under existing law, the Department of Water Resources and the Reclamation Board administer various flood control programs.

This bill would require an unspecified entity to create the Central Valley Flood Protection Plan to address flood protection in the central valley. The bill would authorize local agencies to create a local plan of flood protection meeting the requirements of the bill, and would require priority for state funds to be given to local agencies that have adopted a local plan of flood protection. The bill would create the Local Flood Protection Plan Assistance Fund to, upon appropriation by the Legislature, assist local agencies by awarding grants to those agencies to conduct necessary activities in the development of a local flood protection plan. The bill would prohibit local governments in the central valley from approving new developments within high-risk flood prone

areas, unless unspecified conditions are met to ensure appropriate levels of flood protection.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 4 (commencing with Section 8200) is added to Part 1 of Division 5 of the Water Code, to read:

CHAPTER 4. LOCAL PLANS OF FLOOD PROTECTION

8200. This chapter shall be known and may be cited as the Local Flood Protection Planning Act.

8201. For the purposes of this chapter, “local agency” means\_\_\_\_\_.

8202. (a) A local agency may prepare a local plan of flood protection in accordance with this chapter.

(b) A local plan of flood protection shall include all of the following:

(1) A plan to meet or include a strategy to meet minimum flood protection standards for urban, rural, and small communities within the jurisdiction of the local agency.

(2) Identification and assessment of the various facilities that provide flood protection for flood prone areas, including project levees, nonproject levees, setback levees, upstream flood control dams, bypasses, watershed management, and other facilities.

(3) Identification of current and future flood corridors and any necessary future flood protection facilities.

(4) Identification of needed improvements to the existing flood protection facilities necessary to meet flood protection standards for urban, rural, and small communities within the jurisdiction of the local agency.

(5) An emergency response and evacuation plan for flood prone areas.

(6) A strategy to achieve multiple benefits including flood protection, groundwater recharge, cost savings, and ecosystem health.

(7) A long-term funding strategy for improvement and ongoing maintenance and operation of flood protection facilities.

(8) Approval of an ordinance to mandate flood insurance and annually notify homeowners as to the level of flood protection and the level of flood risk.

(c) Prior to the adoption of the local plan of flood protection, the local agency shall submit the plan to the Department of Water Resources or the Reclamation Board to assure consistency with the Central Valley Flood Protection Plan created pursuant to Section 8472.

(d) Priority for state funds shall be given to local agencies that have adopted a local plan of flood protection.

8203. (a) There is hereby created the Local Flood Protection Plan Assistance Fund, which shall be administered by the Department of Water Resources.

(b) Upon appropriation by the Legislature, the money in the fund may be used by the department to assist local agencies by awarding grants to those agencies to conduct necessary activities in the development of a local flood protection plan in accordance with this chapter.

SEC. 2. Chapter 6 (commencing with Section 8470) is added to Part 2 of Division 5 of the Water Code, to read:

#### CHAPTER 6. CENTRAL VALLEY FLOOD PROTECTION

8470. This chapter shall be known and may be cited as the Central Valley Flood Protection Planning Act.

8471. For the purposes of this chapter, the following terms have the following meanings:

(a) "Rural" means \_\_\_\_.

(b) "Small community" means \_\_\_\_.

(c) "Urban" means \_\_\_\_.

8472. (a) The \_\_\_\_ shall create the Central Valley Flood Protection Plan to address flood protection in the central valley.

(b) The Central Valley Flood Protection Plan shall include minimum flood protection standards for urban, rural, and small communities.

(c) The Central Valley Flood Protection Plan shall acknowledge and identify the various facilities that provide flood protection for flood prone areas, including project levees, nonproject levees, setback levees, upstream flood control dams, bypasses, watershed management, and other facilities.

1 (d) The Central Valley Flood Protection Plan shall include  
2 emergency response planning in high-risk flood prone areas.

3 (e) The Central Valley Flood Protection Plan shall recognize  
4 and encourage projects that achieve multiple benefits including  
5 flood protection, groundwater recharge, cost savings, and  
6 ecosystem health.

7 (f) The Central Valley Flood Protection Plan shall include a  
8 long-term funding strategy.

9 8473. (a) The Legislature finds and declares all of the  
10 following:

11 (1) In the central valley, the state has assumed the primary  
12 responsibility for protecting its citizens from floods. The state has  
13 worked closely with the United States Army Corps of Engineers  
14 to develop, construct, and maintain flood control projects.

15 (2) Local governments have the primary responsibility for  
16 planning and approving various land uses within their jurisdiction.  
17 The land use planning function, however, is often disconnected  
18 from the operations of state or local agencies that protect the  
19 jurisdiction from floods. As a result, land use decisions are based  
20 on limited information regarding flood management and protection.

21 (3) In order to connect local government land use decisions with  
22 state flood management policies, financing, and facilities, it is  
23 necessary for local government land use decisions to include  
24 confirmation that new developments will enjoy sufficient protection  
25 from flood hazards.

26 (4) The current federal flood standard is not sufficient in  
27 protecting urban areas in high-risk flood prone areas of the central  
28 valley.

29 (b) Unless the conditions set forth in \_\_\_\_ are met to ensure  
30 appropriate levels of flood protection, local governments in the  
31 central valley shall not approve new developments within high-risk  
32 flood prone areas.